G. R. S. 59]
GPB—15,000—20 12 13

GENERAL AND REVENUE SECRETARIAT.

1898-1899
~~191~~.
(Mysore)

File No. 33

Serial Nos.

Papers Filed.

Month April 1906.

SUBJECT.

Passing orders on the appeal petition of Subbaraya son of Devayya in the matter of the Archakaship of the Malleswara Swami Temple at ~~Mag~~ Mangadahalli; Chenna

PREVIOUS REFERENCES

LATER REFERENCES

69-16

The question in this case turns upon the appreciation of evidence and is whether Dyavayya acted as archik on his own behalf or on behalf of his brother – the father of the Plff. The circe that the Deft called himself ~~i.e.~~ as a brother of the archik is a strong circumstance and has been so relied upon by both Dist Court Mr Shujaat Ali and the Muzrai Officer who examined the witnesses ~~&~~ and recorded the evidence on two occasions. ~~No~~ When the matter came up in appeal before the Dist Court on the second occasion some misapprehension seems to have prevailed in the mind of the Dist Court about the rites of an adoption which could not have arisen in the case as the Plff is the son begotten of his father. and the further of division seems also to have been considered from the incomplete evidence on the record. But the strong fact relied upon viz that the Deft. called himself the archik's brother cannot be got rid of easily and judged with the decision of the Muzrai Officer seems to be correct. That decision will therefore be restored

and the appellate ~~appellant~~ judgt
reversed -

29.1.07

MUZRAI DEPARTMENT.

OFFICE NOTE.

SUBJECT:—
Claim to Archakship in the Malleswaraswami temple at Mangádahalli Closepet Sub Taluk

LAST REFERENCE.

~~Letter~~ Petition No. 2230 dated 30th April 1330 form Subbaroya son of Devayya of Mangádahal Closepet Sub Taluk.

Remarks by Mr. M. Shama Rao;-

The only new point ~~addressed~~ adduced in his application for review is that the appeal was decided without any notice being given to him. Under the Council Rules of 1895, II 10 (a) appeals relating

Slip A

to hereditary Muzrai appointments are to be heard by a Committee of two Councillors. The Archak's appointment is regarded as a hereditary appointment. In the present case, there has not been a rejection of the appeal to bring it under 10 (2a). The Deputy Commissioner's decision has been reversed and hence it seems to come under 10 (1). I understand however that there have been several precedents for the course followed in the present case.

Intd) M. S.
10.7.02.

Dewan's order.

Why was it so long delayed? Please note

some of the precedents.

Intd) P N K.
22.7.02.

Dy Secty's remarks.

Flag X

Rule II (10) i (a) of the Rules of business published with proclamation dated 20th July 1895 referred to by Mr. M. Shama Rao in his note, provides that claims to all hereditary Offices and emoluments attached thereto (including hereditary Muzrai appointments) shall be heard and decided by 2 Members of Council. The same Rule has been repeated in the same terms in the Rules newly promulgated on the 8th August 1902.

Although there has been some doubt as to which Muzrai appointments should be considered as hereditary and which not, there is no doubt that the Office of Pujari or Archak was always held to be a hereditary appointment.

As regards precedents I find that in some cases claims to Archakships have been decided by the Dewan or the Councillor in charge of the Muzrai Portfolio, and in some cases they have been referred to the Council Committee for decision. The case of Yelanadu (file herewith put up) was submitted by Mr. Srinivasacharlu R.B. Ka) B to the senior Councillor Mr. Thamboo Chettiar with the remarks that "The appeal will be "posted for hearing "and also notices issue "to the parties if so "directed". The case was accordingly placed before a Council Com=mittee consisting of Mr. Thamboo Chettiar and Mr. Madhava Rao and was finally disposed of by them and orders issued in accordance with the decision from the Muzrai Department in Ro: No. 404 dated

Flag B

1st November 1899. On the other hand the case now in question, although clearly an Archak case, was placed by Mr. Sreenivasacharlu R.B before the 1st Councillor (now Dewan) without any suggestion as to its having to go before a Committee of the Council, and the 1st Councillor passed final orders on the appeal which was acted upon as a final decision.

The case relating to the "Prasada Mania" in the Melkote temple which however did not relate to a *Pujari hak* was heard by a Committee of Council consisting of the late Dewan and Mr. Thamboo Chettiar in 1894 and was

Flag C

remitted for a final decision by the Commissioner on the merits (vide Pro: No. 10428/Pct: 67-94 dated 19th November 1894) There was subsequently an appeal to Government against the Deputy Commissioner's Order in this case and it was decided by the 1st Councillor (the present Dewan) without a reference to a Committee of the Council vide Government Pro: No 583 dated 23rd June 190 In ~~the~~ another case of the appeal to "Pujari" right in the Chenniga royaswami temple at Gowdagere in

File note [illegible]
as required in Commr's [illegible]
file a memorial [illegible]
by the [illegible] H. H.

the Kunigal Taluk, the case was decided by the present Dewan alone (vide Pro: No. 374 dated 7th Septr 1901)

Slip D

It appears therefore from the above that the practice in such cases has not been uniform in this respect.

Under the strict letter,

letter of the Rule quoted above it is my humble opinion that such cases, at least in the case of Archakships, should be decided by a Committee consisting of 2 Members of Council.

In the present case there is the difficulty arising from the fact that a final decision was given so far back as 7th March 1901 and acted upon since then. It has now to be decided therefore whether the order of Government dated 7th March 1901 should be considered final and the present Review dealt with by the Dewan, who ~~[illegible]~~ ~~finally~~ ~~[illegible]~~ passed the original order, or whether the matter should now be referred to the Council Committee for decision.

10604
5/6/03

Subd to the Dewan

1/6/03

The order passed by me is erroneous and is opposed to the rule ~~[illegible]~~ of the Regulations which requires that ~~the~~ such matters should be decided by two Councillors. The order is under the circs. cancelled. The matter will now be placed for decision de novo before two Councillors.

20 VII 03

21/7/03

No 261
Muz F 35-98

Forwarded to the Secretary to the Govt of Mysore, Genl & Rev Deptts, for favour of placing the case before a Committee of the Council.

By order

Dy Secy
Muzrai Deptt.

25/7/03

Posted E 28 10 03

R.A 146

appeal no. 15 of 1903-04. (Muzrai file no 33 of 189

Pet / 1188 } 26-3-04 memo.

2338.

Transferred to the Secretary to the Govt. of Mysore, Muzrai Department, with draft Council decision for issue.

By order

Offg: Secretary

24" March 1904.

S.K.R.

Recd

26/3/04

[illegible] 9-5-96 [illegible]

[illegible] 9-5-96 [illegible]

[illegible]

Demn [illegible]

Proceed [illegible] all

[illegible]

3688 R
11/5/96.

[illegible]

[illegible] 128

3688 [illegible] 3

one Four Rs stamp [illegible]
one one Rs stamp
one Six annas stamp
one Four ~~annas~~ stamp
affixed [illegible]

[illegible]

appeal no. 15 of 03-04

[illegible] 1892 [illegible] 1 [illegible]

[illegible]

1. [illegible]

9-5-96 [illegible]

9-5-96 [illegible]

[illegible]

II. [illegible]

III. [illegible]

IV. [illegible]

V. [illegible]

VI - [illegible]

[illegible]

[illegible] 75 [illegible]

[illegible]

1 - [illegible]

2 - [illegible]

3 - [illegible]

[illegible]

[illegible]

1488 [illegible]

ತಾ 13. 6. 1896. ಬೆಂಗಳೂರು [illegible]

By order

Muzrai Secretary

COURT FEE
20-10-95
19-12-95
EIGHT ANNAS

In the Court of the Deputy Commissioner Bangalore
District

Muzrai appeal case No 1 of 1892

Appellant
Dyanappa (Defendant)

vs

Respondent
Subraya
Minor by his mother
Subbamma
(Plaintiff)

[illegible] ment

Plaintiff [illegible] the exclusive title of the archaka [illegible] in question. This she has failed [illegible] prove. Plaintiff's own witnesses admit that both were doing Puja till Ramayya's death. The Inam was Conferred to the temple. I do not attach much importance to Dvannaya describing himself as Ramaiya's elder brother. This is due to the circumstance that the shanbhog made out the Patta in Ramayya's name. The Circumstances under which Patta was so made out are not explained by evidence. But the shanbhoge himself has stated that both were enjoying the Inam. As regards enjoyment Dvanaya must undoubtedly have had a share if not the whole of it. He was manager of the property. It was not for himself but that it was for another namely Ramayya remains to be proved & this rested on Plaintiff who has not proved it. It is an an ordinary circumstance that Patta stands in the name of one & enjoyment in that of another. In a case like this the Patta should have been the temple's & the man in enjoyment should have his name recorded as the Vahivatdar or so. That Sravaiya if [illegible] was the possessor & enjoyer [illegible] amply proved. That being so the single fact of Patta remaining in Ramayya's name could mean nothing more than that when the family was united the patta was allowed to be made out in the name of the youngest member when there was no diversity of interest felt or experienced.

There is an allegation that there were three temples & three Inams & one went to each of the three heirs is not proved. It is not proved that there was any division at all. It seems to me that though there was no division of property yet because Ramayya had no issue he wanted to adopt & the 1st adoption was of defendant's son. The widow not adhering to this but trying to supersede it by putting forth different adoption has caused this dispute. These surrounding circumstances are all considered to shew the probability that there was no division of property & that the exclusive title of Ramayya to Temple in question was never recognised the allegation in the plaint is not proved namely that the defendant had no title or share & that plaintiff was the absolute & sole holder of the Archakship.

The Suit will therefore have to be dismissed with Costs.

(Sd) P. N. Purnaiya
Deputy Commr

18th February

"Copy"

M. Shama Rao
for Dy Commr

Copd. 24/2/96

words 506.
Copy applied for 1/12/95
Do ready 22/2/96
Do delivered

Copying fees	..	9	..
Comparing fees	..	2	..
Paper cost	..	..	3
	..	11	3

EIGHT ANNAS

In the Court of the Treasury Assistant
Commissioner and Judge' office
Bangalore

Original Suit No: 7 of 1891.

Plaintiff – Subbaraya, son of deceased Muniya by his guardian & mother Subbamma.

~~vs~~

Defendant – Basappa –

1. This is a suit for the declaration of Plaintiff's right & title to the Pujariship of Malleswara temple at Hangalahalli Closepet Taluk, for the removal of the defendant from that office and for the recovery of 15 Kandis of Ragi (of the value Rs 75) being the produce of the inam lands for the 3 years Sarvadhari & Virodhi – with all costs.

2. The plaintiff's allegation is that his father Dasappa was the Pujari of the said temple, that he died in 1880 that his mother Subbamma appointed the defendant to act for the Plaintiff during his minority on the oral agreement that the defendant should give half the produce of the lands to the Plaintiff, & that the defendant performed his promise up to Vijaya wherein he [illegible].

3. The Defendant totally denies the

right of the Plaintiffs father to the Archakship and states that he himself has been for a long time doing the Pooja in the temple in dispute.

4. The issues raised in this case are:—

1. whether the plaint is barred

2. Whether Ramiah, the deceased father of the Plaintiff was entitled to the Poojah of Malleswara temple & was he enjoying the Inam lands in question.

5. The Plaintiff examined 2 witnesses namely (1) the mother & (2) the defendant himself and filed 3 Exhibits viz:

A The Pu'a of an Inam Jodi land standing on the name of Ramayya for the years 1874/75 & 1876/77.

B. Endorsement given to Plaintiffs father to send a person to represent him during the Inam settlement.

C. Copy of the Inam statement put in by the defendant for the Plaintiffs father.

6. The defendant examined 4 witnesses & filed 10 exhibits.

No.1. Executed by Lingayya to Devaya (defendant) in the year Kalayukta (1858)

No.2. Executed by Goldsmith Lingachari to the Defendant in 1858.

No 3. Executed by Appaya Gowda to the defendant in Vikrama year (1880

No 4. Inam Title deed granted in 1878.

No 5. Petition put in by the defendant in 1879.

No 6. Petition put in by the defendant in 1879 in the Closepet Taluk.

No 7 Order sent to Subbaya Archak of Malleswar Temple in 1887 from the survey office

No 8 Executed by Linge Gowda to defendant in 1879.

No 9. Putta of Mallesvara temple lands for the year 1879.

No 10. Putta of Inam Jodi land in the name of Lingaiya for the year 1849.

7. I shall consider the 2nd point in issue at first. The 3rd witness for the defendant himself states that Ramayya the father of the Plaintiff was entitled to a share in the land (& its produce) belonging to Malleswar. The defendant as 2nd witness for the plaintiff admits his signature in the original of Inam statement, a copy of which has been filed as exhibit C by the Plaintiff. There he signs himself as Archak Ramayya's elder brother. This fact alone is quite sufficient

to

to decide the Case against the defendant. Here he plainly admits that Ramayya was the Archak of the Malleswar temple & the fact that an elder brother represents the younger adds to the strength of the presumption that exhibit C was put in by the defendant for the plaintiff's father. Thus I decide this point against him.

8. As to the 1st point i.e the bar of limitation exhibit C has again to be Considered as disproving the adverse possession on the part of the defendant. That statement was put in 1877. The Plaintiff's father died in 1880 & this fact has not been Contradicted by the defenda So the adverse possession if any could not have taken place before the death of Ramayya. Even if it had taken place after 1880 the plaintiff being a minor, I may say, he is in a position to sue at any time during the next 6 or 7 years. I therefore hold that the suit is not barred

9. Thus deciding both the points in issue for the Plaintiff, I hereby judge that the defendant make over the Poojah & the Inam land. to the Plaintiff's mother as his guardian & pay fifteen candies of Raggi or its value at the time of execution to the plaintiff's mother as his guardian. The defendant is further liable to pay Costs to the Plaintiff.

Pronounced

Pronounced this 27th October 1891 in open Court, Bangalore.
(Signed) S. Vydyanatha Iyer

"Copy"

Compd.
M. S.
24/2/96

M. Shama Rao
For Deputy Commissioner

Words 809.
Copy applied for 11/12/95
Do ready 22/2/96
Do delivered

Copying fees	„	13	6
Comparing fees	„	3	„
Paper cost	„	„	3
Rs	1	„	9

COURT FEE

EIGHT ANNAS

In the Court of the Muzrai Officer & Assistant Commissioner Bangalore District

Revenue Suit No 7 of 1891

Plaintiff – Subbraya, son of deceased [illegible] his guardian & mother Subbamma.

Defendent – Devayya –

Claim for the declaration of the Plaintiff's right and title to the Archakship of Malleswara temple at Mangadahalli Dobbaspete Taluk, for the removal of the defendent from that office and for the recovery of 15 Candies of Raggi (or its value Rs 75/-) being the produce of the Inam lands for the 3 years Sarvajithu, Sarvadhari and Virodhi with all Costs.

On the passing of judgment on this suit in the presence of Mr. M C Alasingrachar Advocate for Plaintiff, & Mr. Setharamiah Pleader for defendent. It is ordered and decreed that the defendent make over the Pooja and the Inam lands to the Plaintiff's mother as his guardian and pay fifteen Candies of Raggi or its value at the time of execution to the Plaintiff's mother as his guardian together with the Costs incurred by the Plaintiff in this suit as per memorandum annexed. Given under my hand and the seal of the Court this 27th day

of

October 1891

Memorandum of Costs incurred in the Suit –

	By the Plaintiff	By the Deft.
Court fees on the Plaint	5-10-"	"-4-"
Power of Attorney	"-8-"	"-"-"
Processes	2-4-"	2-12-"
Advocates fees	16-"-"	—
Pleaders fee	"-"-"	5-"-"
	24-6-"	7-12-"

Amount payable by defendant Devaya to Plaintiff's mother Subbammah is Rs 24-6-" Twenty four and annas six only.

Dated 27th October 1891 } (Signed) S. Vydyanath Iyer
Muzrai officer
Assistant Commr.
Bangalore Dist.

True Copy

M. Shama Rao
For Dy. Commr.

Compared
M. S.
14/2/96

Words 302
Copy applied for 11/12/95
Do ready 22/2/96
Do delivered

Copying fees	"-6-"
Comparing fees	-1-4
Paper cost	"-"-2
	"-7-6

No. 163 En 4

MYSORE DEWAN'S OFFICE,
Muzrai ~~PETITION~~ DEPARTMENT.

OFFICIAL MEMORANDUM.

The accompanying Appeal Petition

No. 128 dated

received at the Dewan's Office from

Subbaroya, minor (represented by his mother and guardian Subbamma) regarding his right to the Archakship of Malleswara temple at Mangadahalli, Closepet Taluk

is forwarded, together with its three enclosures, to the Deputy Commissioner of Bangalore District for submission of the entire proceedings connected with the case~~, together with a full report of the facts of the case, and on the points urged in the petition.~~

2. The petition with its enclosures should be returned.

By order,

Muz. ~~Chief~~ Secretary.

BANGALORE,
[illegible]d July 1896
24th

M.G C.P.B.—25-4-95—1,000

re same No. 532 d/ 28 7. 96

Gen. 31]

189 30/

From The Deputy Commissioner
Bangalore District

To The Secretary
to the Government of Mysore
Muzarai Department
Bangalore.

Dated 28th September 1896
Despatched 29th — do —
Received 30/9

General No.
D No. 332

Enclosure No.

61
30/9/96

His official memo No 163 dated 24th July 1896, calling for the records in the case of Subroya's right to the archakship of Mallesvara temple at Mangadahalli, Closepet Taluk.

Has the honor to forward herewith the records, complete with a covering vernacular Yerist, and to return the enclosures received with the memo under reply

Deputy Commissioner

Vide no 970 of 7/3/97.

1897

No. 48

Name of Petitioner Subbamma
& her son Subbraya
Chen-

Village Viroopakshapur Hobli

luk Chennapatam

District Bangalore

Date of Arzi

Date of Receipt 5-7-97

Date of Disposal

No. of Enclosure nil

ABSTRACT.

States that a petition
appealing against the
decisions of the Dy Comr
Genl Asst Commr &c, w
addressed by her to the
Muzrai Secy.; that
same was returne
to her on 13-6-96 o
account of insuff
stamp; that the pe
was then affixed a st
of Rs 10-8-2 and drop
into the Petition-Box
this office, on 20-7-96
and that what happ
to it afterwards she
at a loss to know.
Pra

The previous references
re in the Muzrai Deptt.
This petn. seems to have
een received in the year
896-97.

[illegible]
2/7

ubmd
This petition may be
ransferred to the Muzrai
Deptt

[illegible]
12/7/97

[illegible]
118

No: Pet/60
Transferred to the Secretary to Govt Muzrai Dept for disposal

M Vyasaray
for Secy

13/7/97

Repd on 16 7 97

References put up.
Mk 20-7-97

Prays that, if ~~poss~~ necessary, the whole file may be sent for and examined and that an equitable order may be passed in the matter of her being deprived of the right to succeed to the hak of ~~the~~ her husband; and that she may be favoured with an endorsement.

R. 9/7/97

4

COURT FEE

5-10-95

ONE ANNA

118

48

Recd by regd post
One anna
Stamp affixed

5/7/97

48R
5-7-97

[illegible]

5759

COURT FEE

-10-95

ONE ANNA

56

[illegible]

Pet
1331

MYSORE DEWAN'S OFFICE.

PETITION DEPARTMENT.

OFFICE OF THE DEWAN OF MYSORE
RECEIVED
Date 28-4-98
REG No. 1726
MUZRAI BRANCH

OFFICIAL MEMORANDUM.

Refer
O1
28-4-98

The accompanying Petitions
Registered Nos. 1610 and 2554 dated respectively 21-12-97 and 13-4-98
received at the Dewan's Office from
Subbamma of Mangadihalli village, Chennapatna Taluk, praying for orders in the matter of her appeal in connection with the service Inam lands attached to the Malesvara temple,

are transferred ~~is forwarded~~, ~~together with its enclosure~~, to the ~~Deputy Commissioner~~ ~~of~~ Secretary to Government ~~District,~~ ~~for disposal~~. Muzarai Department.

By order,

Secretary.

BANGALORE,
27 April 1898

Copd Compd

[illegible] 22-12-9 as [illegible]

No. 1610

E OF THE DE AN OF MYSORE
RECEIVED
Date 28-4-98
REG No 1728
MUZRAI BRANCH

MYSURE DEWAN OFFICE
PETITION DEPARTMENT
REG'D N 1610 A
DATE 3-1-98

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

1610

JAN. 93

[illegible]

[illegible] 14-1-98 [illegible]

By Order

for Secretary

RECEIVED
Date 8 2
REG. No. 1721
BRANCH

3

Two Rupees old affd

2554

2554 R
16-4-98

[illegible]

[illegible]

13-4-98

[illegible]

[illegible]

OFFICE OF THE DEWAN OF MYSORE
RECEIVED
Date 28-5-02
REG. No. 407
MUZRAI BRANCH

Vide 28/5/02

K.C. 261/27 [illegible]
25-7-03 [illegible]
[illegible]

[illegible]
[illegible]

[illegible]
[illegible]

೧ [illegible]
[illegible]
[illegible]

(೨) [illegible]
[illegible]
[illegible]

(೩) [illegible]
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[illegible]
[illegible] ೨೮-೫-೯೦೨

OF THE DEWAN OF

RECEIVED

Wrongly opened.
Sent to the Agricul-
tural & Mus. Dept. Bangalore
30/10/00

[illegible]

[illegible]

[illegible]

[illegible]

Return [illegible]

No 949.

[illegible]

[illegible]

[illegible]

[illegible]

26-2-1901

Read:—

Petition No 3688, dated 11 May 1896, from Subroya (minor, through his mother and guardian Subbamma) appealing against the order of the Deputy Commissioner of Bangalore District, rejecting the petitioner's claim to the Archakship of the Sri Malleswaraswami temple at Mangadahalli, Closepet Sub-Taluk.

And,

Records of the case received with the Deputy Commissioner's Docket No. 332, dated 28th Septr. 1896.

No. 970 Enc'file
Muz F 33-98
D/7 March 1901-

Order thereon:—

In March 1891, the petitioner Subroya, through his mother and Guardian Subbamma, instituted a suit before the Muzrai Assistant Commissioner of Bangalore District against his uncle Deviah, stating that his father Ramiah was the Archak of the Sri Malleswara swami temple at Mangadahalli, and was, during his life-time performing Pujá in the temple and enjoying the Inam lands attached thereto, that at the time of the said Ramiah's death in 1880, the Plaintiff was a minor, that his mother and guardian Subbamma then appointed the Defendant Dêviah, the brother of the deceased Ramiah, to do Pujá in the temple on behalf of the Plaintiff, on condition of his taking one-half of the produce of the temple Inam lands as remuneration and giving the other half to the Plaintiff, and that the Defendant was doing so until the close of the year Vyaya, but subsequently failed to give the Plaintiff's share of the produce and even denied the Plaintiff's right to the Archakship and praying therefore that his (the Plaintiff's) right to the Office might be recognised and that the Defendant might be removed from the Office and further directed to pay to the Plaintiff the half share of the produce of the temple Inam lands due from the year *Sarwajitu*. The Defendant filed a written Statement denying the Plaintiff's right to the Archakship, and stating that he himself had, in his own right been performing Puja in the temple and enjoying its Inam lands, and pleading further that the Plaintiff's suit was barred by limitation.

2. After an enquiry into the suit and recording the evidence adduced on either side, the Muzrai Assistant Commissioner held that the Plaintiff Subroya was the *Hakdar* to the Archakship of the temple, and that the Deft. could not have had any right to the Office especially seeing that in signing a Statement tendered at the Inam enquiry held in 1878

in connection with the settlement of the temple Inam lands, he (the Defendant) had called himself as the elder brother of the Archak Ramiah (the plaintiffs father) thereby showing that the Statement was tendered by him not for himself but on behalf of his brother Ramiah, who was then the Archak. The Muzrai Assistant Commissioner further held that the suit was not barred by limitation and ordered that the Defendant should make over the Pujariship and the Inam lands attached to the temple to the Plaintiff's mother as his guardian and also pay to her 15 Kandies of ragi or its value.

3. Against the foregoing order of the Muzrai Assistant Commissioner, the Defendant Dēviah appealed to the Deputy Commissioner (the late Mr. Shujayet Ali Khan), who, after going through the records, observed that the fact of the Defendant having ~~calleding~~ called himself at the Inam enquiry as Archak Ramiah's brother was no doubt

in favor of the Plaintiff, but remanded the case to the Muzrai Assistant Commissioner with a direction to enquire into certain additional points raised by him and then dispose of the case. The Assistant Commissioner, after recording further evidence, adhered to his original decision. When, however, the case again came up before the Deputy Commissioner for decision with reference to the appeal preferred by the Defendant Dêviah, the Deputy Commissioner reversed the order of the Muzrai Assistant Commissioner and dismissed the Plaintiff's suit with costs, principally on the ground that the Plaintiff had failed to prove his sole right to the Archakship in question to the exclusion of the Defendant Dêviah.

4. The plaintiff Subroya has now appealed to Government against the foregoing decision of the Deputy Commissioner

5. The Govt. observe that the question in this case is whether the Defendant Deviah acted as Archak on his own behalf or on behalf of his brother, the father of the plaintiff; and the decision of this question turns upon the appreciation of the evidence adduced. The circumstance that the Deft. called himself as the brother of the Archak is a strong one in favor of the Plaintiff, and has been so relied upon by both the Dy Comr. Mr. Shujayet Ali Khan and the Muzrai Officer who examined the witnesses and recorded the evidence on two occasions. But, when the matter came up in appeal before the Dy Comr. on the second occasion, some misapprehension seems to have prevailed in his mind about an adoption which could not have arisen in the case as the Plaintiff is the son

begotten of his father; and the question of division between the two brothers seems also to have been considered from the incomplete evidence on the record. But the strong fact relied upon — viz, that the Deft called himself the Archak's brother cannot be got rid of easily; and judged by it, the decision of the Muzrai Officer is correct. That decision is therefore restored and the appellate judgment reversed.

(Fair draft)

Muz: Secy

To

The Dy Comr., Bangalore Dt
retg records.

ನಂ. 670 ತಾ 23-3-1901

ಮೈಸೂರು ಸಂಸ್ಥಾನದ ಹುಜೂರು ದಿವಾನ್ ಕಚೇರಿ
ಮುಜರಾಯಿ ಇಲಾಖೆಯಿಂದಾ.

ಶ್ರೀರಂಗ್ ಪೇಟೆ [illegible] ಮಂಗಲ ತಡಹಳ್ಳಿ [illegible]
[illegible] ಮಲ್ಲೇಶ್ವರ ದೇವಸ್ಥಾನದ ಅರ್ಚಕ ಸುಬ್ರಾಯ (
[illegible] ಮತ್ತು [illegible] ಸುಬ್ಬ[illegible])
ಗೆ —

~~ನೀವು ಹುಜೂರಿಗೆ ಜಾಹೀರ್ಮಾಡಿಕೊಂಡ~~ ~~ಮಾಹೆ~~ ನೇ

~~ಮಾರ್ಕ್ಹಂ~~ ~~ನೇ ನಂಬರ್ ಅರ್ಜಿ ಪರಾಂಬರಿಸಲಾಯಿತು.~~

[illegible] ಮಲ್ಲೇಶ್ವರ ದೇವಸ್ಥಾನದ ಪೂಜಾ
[illegible]
[illegible] ಮಾಡಿದ ಅರ್ಜಿಗಳ ಮೇಲೆ [illegible]
[illegible]
[illegible]
[illegible]

ಸಹಿ -
[illegible]
[illegible] ಮಾಡಿದ ಅರ್ಜಿಗಳನ್ನು [illegible]
[illegible] ಮಲ್ಲೇಶ್ವರ ದೇವಸ್ಥಾನದ ಪೂಜಾ [illegible]
[illegible] ಸುಬ್ರಾಯ[illegible]

[illegible]

[illegible]

[illegible]

By order

Fair Off.

Muzrai Secretary

COURT FEE

INDIA

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

01

8/4/07

Copy granted on 10/4/07

1901 ಅರ್ಜಿ
~~189~~ 1330

No.	2230
Name of Petitioner	Subbaraya, son of Devayya
Village	
Taluk	
District	
Date of Arzi	30-4-01
Date of Receipt	1-5-01
Date of Disposal	
No. of Enclosure	Two

Transferred to Muzrai Branch
3.5.01

Recd
10/5/01

Submitted for orders with previous references.

The matter has been already decided

K.S.
10/5/01

Sub^d to the Dewan.

The only new point advanced by him in his application for review is that the appeal was heard & decided without any notice being given to him. Under the Council Rules 1895, II 10(a), appeals relating to hereditary muzrai appts are to be heard by a committee of two councillors. The Archak's appointment is ~~a her~~ regarded hereditary appointment. In the present case, there has not been a rejection

ABSTRACT

The petitioner applies for review of Govt. order No. 970/Muzi 33 dated 7-3-01 in re the Archakship of the Sri Malleswara-Swamy temple at Mangadaha Closepet Sub Taluk.

The petitioner urges the following grounds for review of the above order:—

1/2 Neither the petitioner nor his father were given notice of the appeal preferred

Govt by the Counter-petitioner The order to be review is therefore not in accordance with law and procedure.

4. The patta of the Inam lands in question was made in the name of Ramiah through the machination of the village Shanbhog who is the brother of the plaintiff's guardian, Subbamma

5. The plaintiff's suit was barred

6. The fact that Deviah called himself as Archak Ramiah's brother is no conclusive proof of the former having acted as the agent of the latter.

7. When the office of Archaka is hereditary in a family, each and every male member of it may be called an Archak consistently with one of them holding the office to the exclusion of the rest.

8. The plaintiff has completely failed to prove that his guardian appointed Deviah to do the work in the temple on his behalf. There is ample evidence to shew that Deviah had been doing the work in his own right and enjoying

himself and adversely to plaintiff and his father

9. The evidence adduced by plaintiff himself shews that Deviah was at least jointly with his father entitled to the Office in question and its emoluments.

The petitioner further prays that the execution of the order now sought to be reviewed may be stayed during the pendency of this petition.

7/5/01

(a) [illegible]
1-[illegible]-1901
[illegible]

[illegible]
1-5-1901
[illegible]

Before the Government of Mysore 2230

Petition No 3688 of 1896
Muzrai Department

Petn
1/5/1901

2230 R
1-5-1901

Petitioner		Counter-petitioner
Subbaraya Son of Devayya (deceased) (Defendant-respondent).	vs	Subbaraya minor, son of Ramayya, by his guardian & mother Subbamma (plaintiff-appellant)

The petitioner (Subbaraya) above-named respectfully begs that Government will be pleased to reconsider its order No 970, dated 7th March 1901, herewith filed, for the following reasons, viz—

I. Devayya, the father of the petitioner had no notice of the appeal preferred by the counter petitioner to Government against the judgment of the Deputy Commissioner, Bangalore, in appeal case No 1 of 1892.

II. The said Devayya died about a year & nine months ago & his legal representatives were not brought on the record & were given no notice of the appeal

III For the reasons set forth in the aforementioned 1st & 2nd grounds, the order which is now sought to be reviewed is not in accordance with law & procedure.

IV The Putta of the Inam lands in question was made in the name of Ramayya through the machination of the Shanbhogue of the village who is the brother of Subbamma - plaintiff's guardian.

V There is abundant evidence on record shewing that Devayya (petitioner's father) was in exclusive possession & enjoyment of the office of Archaka for more than 20 years & adversely to counter-petitioner's father & to plaintiff & that therefore plaintiff's suit was barred.

VI The fact that Devayya (father of petitioner) described himself as Archaka Ramayya's brother is no conclusive evidence of the former having acted as the agent of the latter & the fact of the epithet Archaka having been appended to the name of Ramayya is not inconsistent with Devayya having held the office in his own right

VII When, as in the present case, the office of Archaka is hereditary in a family each & every male member of it may be called an Archak consistently with one of them holding the office to the exclusion of the rest.

VIII Plaintiff (counter-petitioner) has completely failed to prove that his guardian appointed Devayya to do work in the temple on his behalf on condition of his taking one-half of the produce of the Inam lands as remuneration & giving the other half to plaintiff & that he did so until the year Vijaya, on the contrary there is a strong body of evidence both oral & documentary shewing that Devayya had been doing duty in his own right & enjoying the Inam lands exclusively for himself & adversely to plaintiff & his father (as stated above)

IX. The evidence adduced by plaintiff himself shews that Devayya was at least jointly with his father entitled to the office in question & its emoluments

For these reasons the petitioner prays that the Government will be pleased to grant his petition of review, re-hear the case & pass such order as it deems just & proper.

The petitioner further begs to state that the order of Government has been put in execution against him & though his name has not been brought on record as party (defendant respondent) his moveables have been attached for realizing the value of the produce decreed & costs & he is also ordered to give up possession of the temple. Petitioner is willing to give security for due performance of the order of Government to the satisfaction of the Deputy Commissioner if the same be confirmed even on hearing the petition; he therefore prays that Government will be pleased to direct the Deputy Commissioner to issue orders to the Amildar of Chennapatna to stay execution during the pendency of this petition.

Bangalore
30 April .1907

Authenticated copies of the Dy Commr's Judgt in Appeal Case No 1 of 1892 & of the Govt Order in No. 3688 of 1893 are herewith produced for perusal of the appeal to bring it under 10(2a). The Dy Commr's decision has been reversed and hence it seems to come under 6(1)]. I understand however that ~~there~~ have been several precedents for the course followed in the present case.

The petr has adduced no ~~other~~ new grounds.

6-7-02

22
12 7 02
5 [illegible]

6237

Why was it so long delayed? Please note some of the precedents

22.VII.02

23/7/02

Refile
8-5-01

[illegible]
[illegible]
/5

transferred to the Muzrai
Branch in Cmt.

10-5-01

11/5/01

14/5/01

Submitted for orders
with refees

17/5/01

OFFICE OF THE DEWAN OF MYSORE
RECEIVED
1901 Date ....
REG. No 1358
MUZRAI BRANCH

No. 2231

Name of Petitioner Subbaraya, s. of Devaiah

Village Mangadahalli

Taluk Chennapatna

District

Date of Arzi 30-4-01.

Date of Receipt 1-5-01

Date of Disposal

No. of Enclosure Nil

ABSTRACT

With reference to his review application (No. 2230) dated 30-4-01, the petitioner states that the points involved in the case are questions of law and procedure which he is unable to argue.

He therefore prays that he may be permitted to engage the services of Mr. Bhima Rao, Advocate, to conduct his case.

2231

COURT FEE

[illegible]

1-5-1901

[illegible]

1/5/1901

Two Rs stamp affixed on

To

223/R
1-5-1901

The Government of Mysore.

Petition No. 3688 of 1896.

Muzrai Department.

Counter Petitioner

Petitioner	
Subbaraya son of Devayya (deceased) (Defendant Respondent)	Subbaraya minor son of Ramayyah by his mother & guardian Subbamma (Plaintiff Appellant)

The Petitioner Subbaraya son of Dyaviah residing at Mangadahally Virupakshapuradda Hobli Chennapatam Taluk most respectfully prays that he may be permitted to engage the services of an Advocate to conduct the above petition filed by him on the 1st May 1901 for the following among other reasons.

I That the case of his father was conducted by Mr. Bhima Rao Advocate before the Deputy Commissioners Court at Bangalore.

II That the points involved in the case are of Law & procedure which the petitioner is unable to ~~argue~~ argue his Case.

III. That his late father's Advocate knows the facts of the case very well.

IV. That the petitioner is personally unable to conduct this case.

V. Wherefore petitioner prays that he may be accorded permission to engage the Services of Mr. Bhima Row Advocate to conduct his case on his behalf before the Court of the Councillors to the Government of ~~[illegible]~~ Mysore the date of hearing.

Bangalore.
30th April 1901

erences

(Sd) V. R. J.
17-5-01

[illegible]
[illegible] 8-5-[illegible]
[illegible]

/5

~~ransferred~~ to Muzrai
ranch in continuation
20.5.01.

20/5/01

5-901

DEWAN OF MYSORE
CEIVED
Date 22-5-01
REGD No 1382
MUZRAI BRANCH

No 2384

Name of Petitioner Subraya son of the ~~late~~ Devaya

Village

Taluk

District Bangalore

Date of Arzi 14. 5. 01

Date of Receipt 14 - 5. 01

Date of Disposal

No. of Enclosure Nil

In re petition No 3688 of 1896

ABSTRACT

Petr:
Subraya
(Dft. Respdt)

Counterpetitioner
Subraya
Minor son of Ramiah by his mother and guard-ian Subbamma
(Plaintiff Appellant)

States that he filed a petn of review on the exparte order on 1-5-01 passed in the above case; that he has ~~stated~~ prayed in his petiti for the stay of the execution of the order of Govt: passed in the matter, on his providing security for the due performanc of the Dr:

Dy Commr: of the said order of Govt. if it should confirm its in review also; that the plaintiff appellant has attached properties to the extent of Rs 250/- whereas petitioner would only be liable to ~~the~~ pay 100 Rs even though the first decision is confirmed; that the attachment itself has caused great hardship to the petitioner; that he has sustained heavy loss; that his property (moveables and immoveables) which has been attached has been advertised for sale on the 20th of this month; and therefore prays that Govt: may be pleased to direct the Amildar of Chennapatna Taluk to stop the execution of the orders passed in this matter and to adjourn the sale of petitioner's moveables & immoveables.

SG.

17/5

Recd 14/5/01
To Petn Branch
14/5/01

2384
14-5-1901

Before the Government of Mysore.

Petition No. 3688 of 1896.

Petitioner
Subbaraya son of
Devaya (deceased)
(Defendant Respondent)

Counter Petitioner
Subbaraya minor
son of Ramiah by
~~of~~ his mother & guardian
Subbammah
(Plaintiff Appellant).

The Petitioner Subbaraya abovenamed most respectfully begs that the Government will be pleased to direct the Amildar of the Chennapatam Taluk to stop the execution of the orders passed by the Government in the above case & adjourn the sale of the Petitioner's moveables & immoveables attached and advertized for sale on the 20th of this month for the following reasons:—

I. That he has filed a petition on the 1st May 1901 praying that the decision passed Exparte may be reviewed.

That the Petitioner has in his petition prayed to stop the execution of the decision passed the Government on his giving security or the due ance the orders num: of the said order [illegible].

of Government to the satisfaction of the Deputy Commissioner of the Government confirms its original decision.

III That the Plaintiff Appellant has attached properties to the extent of Rs 250/- whereas if the Government confirms its former decision the Petitioner will be liable to pay Rs 100/- only to the Counter Petitioner & not more

IV That already the attachment has caused great hardship on the Petitioner and further he has sustained heavy loss.

Bangalore
14th May 1901

Petn. Dept.

To inform petitioner of the result.
(Sd) H.V.N.
15/5/01.

Reference early
25.5.01

2384 [illegible]
20-5-01 [illegible]
2231
[illegible]
30/5

Transferred to Muzrai Branch in continuation
31.5.01

OFFICE OF THE DEWAN OF MYSORE
1900 RECEIVED
Date
REG. No. 1404
MUZRAI BRANCH

No. 2400

Name of Petitioner Subrayappa son of Dyavarappa - Archik of Malleswar Devaru

Village Mangarahalli

Taluk Chenpatna

District Bangalore

Date of Arzi 15-5-01

Date of Receipt 15-5-01

Date of Disposal

No. of Enclosure

ABSTRACT

States that counter-petitioner appealed to Govt. against the order of the Comr. that the case was referred to the Supdt. for disposal - that the latter of decided the case Exparte against his fa who died about 1 year and 9 months ag on 7-3-01. that when he learnt tha the copy of the above decision was se to the Amildar for Execution he submitted a review application to Govt. 1-5-01 praying that the Dy. Comr. may be asked to stay Execution pending disposal of his review - that no order has been passed on this - that the Amildar has attached his proper

are notified to be sold on the 20
that he also submitted another
yesterday - Prays that orders
issued to the Dy. Commr. to hold the
abeyance pending disposal of
view -

2600 P

[illegible]

[illegible]

[illegible]

2600 R
15-5-1907

[illegible]

१) [illegible]

२) [illegible]

३) [illegible]

OFFICE OF THE DEWAN OF MYSORE
RECEIVED
Date
No. 58
MUZRAI BRANCH

To Muzrai
18/7/06

[illegible]

[illegible]

[illegible]

1902

From

THE SECY. TO THE GOVT. OF MYSORE,
GEN. & REV. DEPTS.

To
The Dy. Commr
Bangalore Dt

Dated 30th

Despatched
July/03.
Received

General No. Pet
No. 150

Enclosure No.

Has the honr to request that the records returned with G.O. No. 970 dated 7th Muz. F. 33-98 F March 1901, regarding the claim to the archakship of the Sri Malleswaraswami temple at Mangadahalli Closepet Sub-Taluk, may be ~~[illegible]~~ resubmitted to this office at an early date for reference.

By order

for Secy

Draft
SKR
28/7/03.

To C. C. after [illegible]

1903 Rev Pet/107.

From
The Dy Commissioner
Bangalore District

To
The Secy to the Govt
of Mysore
Rev and Genl Depts

Dated 5th } August 1903
Despatched 6th
Received

General No.
S. No. 133

Enclosure No. One file

Secy's docket No. Pet/150 of 30th July 1903.

Returns as desired, records regarding the claim to the archakship of the Sri Malleswara Swami temple of Mangadahalli in the Hoskote Sub Taluk.

6. 8. 03

Recd 7/8

MGCPB - 50 reams—6 12-02

S No $\frac{133}{\text{Sri: vrs file}}$

Bangalore District
Dy Commissioner's office
Bangalore 5th August
1903

From,

H H Sparkes Esqr
Dy Commissioner
Bangalore District

To,

H. V. Nanjundayya Esqr MA ML
Secy to the Govt of Mysore
Rev and Genl Depts

Sir,

With reference to your docket No. $\frac{\text{Pet}}{150}$ dated 30th July 1903, calling for the records returned with Government Order No. $\frac{970}{\text{Mis 733-98}}$ dated 7th March 1901, regarding the claim to the

the

the archakship of the Sri Malleswaram swami temple at Mangadahalli in the Hoskote sub Taluk, I have the honor to forward, herewith, the record ending with Hoskote Assistant Commissioner's Yadi No 262 dated 25th August 1901.

I have the honor to be,

Sir,

your most obedient Servant,

H. M. Sparkes

Dy Commissioner

(H)
ನಂಬರ. 119

SEP. 26 1903

Urgent

ಹುಜೂರು ದಿವಾಣ ಕಚೇರಿಯಿಂದ.

ತಾಲ್ಲೂಕು ಅಮಲ್ ದಾರ್ರಿಗೆ ಬರಸಿ

ಕಳುಹಿಸಿದ ನಿರೂಪ ಅದಾಗಿ—

ಅಲ್ಲಿನ ಸ್ 1903—904ನೇ ಇಸವಿ ರೆವಿನ್ಯೂ ಅಪೀಲ್ 15ನೇ ನಂಬರು ಮೊಕದ್ದಮೆಯು ಕಕ್ಷಿಗಾರರು ಮಾರ್ಜಿನ್ನಲ್ಲಿ ನಮೂದಾದವರ ಹೆಸರಿಗೆ ತಯಾರಾದ .ನೋಟೀಸುಗಳನ್ನ ಇದರ ಹಮರಹಾ ಕಳುಹಿಸಿರುತ್ತೆ. ಕ್ರಮ ಪ್ರಕಾರ ಜಾರಿಯಿಂದ ಅಸಲ್ ನೋಟೀಸುಗಳನ್ನ ಕೂಡ್ಲೆ ಈ ಆಫೀಸಿಗೆ ವಾಪಸ್ ಕಳುಹಿಸತಕ್ಕದ್ದು.

ಬತಾರೀಖು 23 ನೇ ಮಾಹೆ 1903 ನೇ

ಇಸವಿ, ದರ ಜಾಗಾ

By Order,

for Secretary.

~~[illegible]~~

~~[illegible]~~

~~[illegible]~~

~~[illegible]~~

[illegible] 43/[illegible]

[illegible] 2353, [illegible] Amildar in Charge

73

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] 27-9-03.

H. Seethal[illegible]
Amildar in Charge

[illegible]

[illegible]

[illegible] 153

249/4

[illegible]

[illegible]

[illegible]

[illegible] 2-11-903

[illegible] 2657

H. Seethal[illegible]

[illegible] 25/2

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] 12-10 [illegible]

[illegible]

[illegible]

15 [illegible]

No. 110/03
242/3
17/10 [illegible]

[illegible]
[illegible] 119 [illegible]
[illegible]

[illegible]

[illegible]
[illegible]
[illegible]
[illegible] 237 [illegible]
[illegible]
[illegible]
[illegible] 15-10-903 [illegible]
[illegible] 16

H. Seethabai
[illegible]

Recd 17.10.03
[illegible]

(I)

MYSORE G
SEP. 1903
SECRETARIAT

ನೋಟೀಸು.

ಹುಜೂರ ದಿವಾಣ ಕಚೇರಿಯಿಂದ.

1903 – 904 ನೇ ಇಸವಿ ರವಿನ್ಯೂ ಅಪೀಲು ನಂಬರು....15

ಅಪೀಲು ವಾದಿ	ಅಪೀಲು ಪ್ರತಿವಾದಿ
[illegible]	[illegible]

ವಿಷಯ.

[illegible]

ಮೇಲೆಕಂಡ ಅಪೀಲು ಪ್ರತಿವಾದಿ [illegible] ಗೆ

ಅಪೀಲು ವಾದಿ [illegible] ನು

[illegible] ಡಿಸ್ಟ್ರಿಕ್ಟು ಡೆಪ್ಯುಟಿ ಕಮಿಷನರವರ ಹುಕುಮಿನ ಮೇಲೆ ದಾಖಲುಮಾಡಿ ಇರುವ ಅಪೀಲು 1903 ನೇ ಇಸವಿ [illegible] 28 ನೇ ತಾರೀಖಿನ ದಿವಸ [illegible] ಮೊಕ್ಕಾಮಿನಲ್ಲಿ ವಿಚಾರಣೆ ಮಾಡಲ್ಪಡುವದ್ದರಿಂದ, ಆ ದಿವಸ ಪೂರ್ವಾಹ್ನ 11 ಘಂಟೆಗೆ ನೀನು ಈ ಕಚೇರಿಗೆ ಹಾಜರಾಗಬೇಕು.

ಬತಾರೀಖು 24 ನೇ ಮಾಹೆ [illegible] 1903 ನೇ ಇಸವಿ,

ಮೊಕ್ಕಾಂ [illegible]

By Order.

Secretary.

MGCPB—1,000—24-2-03.

(J)

ನೋಟೀಸ್.

SEP 1903

ಹುಜೂರ್ ದಿವಾನ್ ಕಚೇರಿಯಿಂದ.

REVENUE

1903 –904 ನೇ ಇಸವಿ ರವಿನ್ಯು ಅಪೀಲು ನಂಬರು ..15..

ಅಪೀಲು ವಾದಿ ~~ಅಪೀಲು ಪ್ರತಿವಾದಿ~~

[illegible] ತಾಲ್ಲೂಕು,
[illegible] ಗ್ರಾಮದಲ್ಲಿ ಇರುವ
[illegible]

ಅ. ಪ್ರ. ವಾದಿ –
[illegible] –

ವಿಷಯ.

[illegible]
[illegible]

ಮೇಲ್ಕಂಡ ಅಪೀಲುವಾದಿ ಸುಬ್ರಹ್ಮಣ್ಯನಿಗೆ

ನೀನು ಬೆಂಗಳೂರು ಡಿಸ್ಟ್ರಿಕ್ಟ ಡೆಪ್ಯುಟಿ ಕಮಿಷನರವರ ಹುಕುಮಿನ ಮೇಲೆ ಹುಜೂರಿಗೆ ಗುಜರಾಯಿಸಿದ 196 —ನೇ ಇಸವಿ [illegible] ಮಾಹೆ // ನೇ ಮುರಾಕುಮಿನ ಅಪೀಲು ಅರ್ಜಿಯು, 1903 ನೇ ಇಸವಿ ಸೆಪ್ಟಂಬರ್ 28 ನೇ ತಾರೀಖಿನ ದಿವಸ ಬೆಂಗಳೂರು ಮೊಕ್ಕಾಮಿನಲ್ಲಿ ವಿಚಾರಣೆ ಮಾಡಲ್ಪಡುವದರಿಂದ, ಆ ದಿವಸ ಪೂರ್ವಾಹ್ನ // ಘಂಟೆಗೆ ನೀನು ಈ ಕಚೇರಿಗೆ ಹಾಜರಾಗಬೇಕು.

ಬತಾರೀಖು 23ನೇ ಮಾಹೆ ಸೆಪ್ಟಂಬರ್ 1903

ನೇ ಇಸವಿ, ಮೊಕ್ಕಾಂ ಬೆಂಗಳೂರು.

By Order,

for Secretary.

శ్రీ [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] ಕೋರ್ಟಿಗೆ.

ಸನ್ 1903 ನೇ ಇಸವಿ [illegible] ನಂಬರು. 15

1904

[illegible] ವಾದಿ.

[illegible]

[illegible] ಪ್ರತಿವಾದಿ.

[illegible]

[illegible] ರವರಿಗೆ.

[illegible] ಬರಸಿಕೊಟ್ಟ ವಕಾಲತ್‌ನಾಮೆ.

ಈ ಮೊಕದ್ದಮೆಯಲ್ಲಿ ನನ್ನ ಪರವಾಗಿ ಕೋರ್ಟಿಗೆ ಹಾಜರಾಗಿ ಅರ್ಜಿ ವಗೈರೆ ಕೊಟ್ಟು ವಿವಾದಿಸಿ ಫೈಸಲ್ ಹೊಂದತಕ್ಕ ಬಗ್ಯೆ, ಮತ್ತು ನನಿಗೆ ಸಲ್ಲತಕ್ಕ ಶಿಲ್ಕು ಮೊಬಲಗು ಡಿಕ್ರಿ ಮೊಬಲಗು ದಸ್ತೈವಜು ವಗೈರೆ ತೆಗದುಕೊಂಡು ರಶೀದಿ ಕೊಡುವದಕ್ಕೂ ಸಹಾ ತಮಿಗೆ ಅಧಿಕಾರ ಕೊಟ್ಟದ್ದೇನೆ. ಆದ್ದರಿಂದ ತಾವು ನನಿಗೋಸ್ಕರ ಕೋರ್ಟಿಗೆ ಹಾಜರಾಗಿ ನಡಿಸುವ ಎಲ್ಲಾ ಕೆಲಸಗಳನ್ನು ನಾನು ಖುದ್ದು ಇದ್ದು ನಡಿಸಿದಂತೆ ಒಪ್ಪಲು ಇದರಿಂದ ಬದ್ಧನಾಗಿರುತ್ತೇನೆ.

ತಾರೀಖು 28 ನೇ [illegible] 1903 ನೇ ಇಸವಿ

[illegible]

[illegible]

ರುಜು

ಈ ಮೋಕ್ತ್ಯಾರ್‌ನಾಮೆ ಕೊಟ್ಟವರು ನನಗೆ ಪರಿಚಯಸ್ಥರು. ನನ್ನ ಸಮಕ್ಷಮ ಇದಕ್ಕೆ ರುಜುಮಾಡಿದ್ದಾರೆಯಾದ್ದರಿಂದ ನಾನು ಸರಟಿಫೈ ಮಾಡಿದ್ದೇನೆ.

ಅಂಗೀಕರಿಸಿ ಇರುತ್ತೇನೆ.

Advocate for the Respondent

ಈ ಫಾರಂ ಬೆಂಗಳೂರು ಸಿಟಿ ಚಿಕ್ಕಪೇಟೆ ಷಾಪ್‌ಕೀಪರ ಯಂ. ನಂಜುಂಡಪ್ಪನಲ್ಲಿ ದೊರೆಯುತ್ತೆ.

S. G. N. PRESS, COTTON PETTA BANGALORE—CITY.

28-10-1903

[illegible] ಕೋರ್ಟಿ

ಸನ್ 1903 ನೇ ಇಸವಿ [illegible] ನಂಬರು 15
1904

[illegible] ವಾದಿ

ಪ್ರತಿವಾದಿ.

[illegible] ರವರಿಗೆ

[illegible] ಬರಸಿಕೊಟ್ಟ ವಕಾಲತ್ ನಾಮೆ.

ಈ ಮೊಕದ್ದಮೆಯಲ್ಲಿ ನನ್ನ ಪರವಾಗಿ ಕೋರ್ಟಿಗೆ ಹಾಜರಾಗಿ ಅರ್ಜಿ ವಗೈರೆ ಕೊಟ್ಟು ವಿಚಾರಿಸಿ ಫೈಸಲ್ ಹೊಂದತಕ್ಕ ಬಗ್ಗ್ಯೆ, ಮತ್ತು ನನಗೆ ಸಲ್ಲತಕ್ಕ ಶಿಲ್ಕು ಮೊಬಲಗು ಡಿಕ್ರಿ ಮೊಬಲಗು ದಸ್ತೈವಜು ವಗೈರೆ ತೆಗೆದುಕೊಂಡು ರಶೀದಿ ಕೊಡುವ ವಗೈರೆ ಸಹಾ ತಮಗೆ ಅಧಿಕಾರ ಕೊಟ್ಟಿದ್ದೇನೆ ಆದ್ದರಿಂದ ತಾವು ನನಗೋಸ್ಕರ ಕೋರ್ಟಿಗೆ ಹಾಜರಾಗಿ ನಡಿಸುವ ಎಲ್ಲಾ ಕೆಲಸಗಳನ್ನು ನಾನು ಖುದ್ದು ಇದ್ದು ನಡಿಸಿದಂತೆ ಒಪ್ಪಲು ಇದರಿಂದ ಬದ್ಧನಾಗಿರುತ್ತೇನೆ.

ತಾರೀಖು ನೇ 190 ನೇ ಇಸವಿ } ರುಜು

[illegible]

ಈ ಮೊಕ್ತ್ಯಾರ್‌ನಾಮೆ ಕೊಟ್ಟವರು ನನಗೆ ಪರಿಚಯಸ್ಥರು ನನ್ನ ಸಮಕ್ಷಮ [illegible] ದ್ದರಿಂದ ನಾನು ಸರಟಿಫೈ ಮಾಡಿದ್ದೇನೆ.

[illegible]

ಈ ಫಾರಂ ಬೆಂಗಳೂರು ಸಿಟಿ ಚಿಕ್ಕಪೇಟೆ [illegible]

S. G. H. PRESS, COTTON PETTA BANGALORE-CITY

2417
28-10-1903

To The Government of Mysore
at Bangalore

custum stamp dif..

Mysore Government
[illegible] Secretariat
[illegible] Department
Regd No 1041R
30-10-1903

Revenue Appeal No: 15 of 1903-04

old

Appellant v/s Respondent
Subraya Subbaraya

Respondent prays that he may be furnished with unauthenticated copy of the Evidence recorded after remand by the Deputy Commissioner Bangalore District to the Muzrai Assistant Commissioner Bangalore District.

Copying fee of Rs 1/- is herewith produced in advance

The Copy of evidence of Plaintiff's witnesses viz Chick Naraniah, Kanchiah, Naranappa & Pedday Gowda is required as also Copy of the Plaint.

D/ 29-10-03
Bangalore

(G.)

Before the Government of Mysore.

Appeal No. 15 of 1903 [illegible]

Appellant.	Vs.	Respondent.
Subroya. Son of Ramaiya Mangasahalli Chnspeth Sub Taluk		Subroya Son of Byyavaiya of [illegible]

Appellant Subroya in person by Mr Sheshachar Respdt Subroya in person & by Mr Bhim rav.

At the request of both sides adjourned to 5th November 1903

28/10/1903.

ate of hearing 28-10-03
Notice issued on 26 7-0..
Appellant duly served, the
respondent being absent the notice
was served on his dwelling

27 10 1903.

27 [illegible]

Parties as above -

From the records & evidence it is clear that Ramiah father of appellant was the registered Poojari and that after his death his widow entered into an agreement with Respdts brother who was to perform the pooja & give her half the profits from the land. Respdt

[illegible]

19/4 04

latter was only appellants ~~for~~ agent. ~~At~~ There appear to have been [illegible] agreements between the parties as to Ramiah adopting Deviah's son & complaints on the criminal side by Ramiah's widow. But the facts elicited from the witnesses do not help either side much. There is the clear evidence of documents to show that one Lingiah had the patta & transferred it to Ramiah & at the Inam settlement the title deed was made out in Ramiah's name & that at the settlement Deviah represented ~~himself as~~ Ramiah who is referred to as Archak.

Govt have no hesitation in basing their decision on this one incontrovertible fact & deciding in favor of appellant (Ramiah's son). Appeal allowed.

V. P. Madhava Rao

C. Sreenivasa

5th Nov 1903

Drafted
per
12/11/03

Reference

1
2-4

[illegible] 15 [illegible] 04
1/2 [illegible]
[illegible]
[illegible] 24 [illegible] 04 [illegible]
[illegible]

1904

No. 1784

Name of Petitioner Subbarayya, Son of Daveola

Village Mungadahalli

Taluk Closepet (S.D.)

District Bangalore

Date of Arzi 8/2/04

Date of Receipt 8/2/04

Dato of Disposal

No. of Enclosure One eight annas court fee stamp

Council clerk

Please state as to what has been done with appeal No. 15 of 1903-04. This cannot be disposed of without ~~the~~ the refce file.

2/
11-4-04.
Transferred to the Muzrai Dept on 24-3-04 for issue of the decision the matter being Muzrai 2/587.

4/04 Pet/1284 d/19-4-04

Transferred to the Secretary to the Govt. of Mysore in the Muzrai Dept with petition nos. 1041 d 25-12-03 & 1006 d 8-2-04 for disposal.
By order
Secy.

and Reports 19/4/04
13

ABSTRACT

Applies for certified copy of judgment passed in Rev. appeal case no 15 of 1903-04 & encloses the said stamp for the purpose.

13/12/06

MGCPB—5,000—10-11-02

[illegible]
[illegible]
ONE ANNA

2587

one anna stamp app.

a 1 eight anna stamp [illegible]

[illegible]

[illegible]

[illegible]

Mysore Government
General and Revenue Secretariat
Petition Department
Reg'd No 1784 R
Date 8-2-1904

1784

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

೮-೨-೯೦೪

[illegible]

Recd. with petn. no. 1784 presented together

no stamp

Mysore Government
Central [illegible]
Regd No 1806
Date 11-2-1904

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

Before the Govt. of H. H
the Maharaja of Mysore.

Appeal No ~~45~~ 3688 of 1895-96
Review Petition No 2230 of 1900-01

Appellant
& Counter Petr

Subroya
son of Ramiya
minor by his
mother and
guardian
Subbamma

V/S Respondent & Petr

Dyavia, since deceased
represented by his
son Subroya.

Subject

Appeal against the order of the Dy Commr, Bangalore Dt, rejecting the Appellants' claim to the Archakship of Malleswaraswami Temple at Mangadahalli in the Closepet Sub Taluk.

Pass orders
16.4.1904

19/3/04

20/3/04

21/3/04

~~Subject~~

Application for review No 2230 dated 30th April 1901 presented by Subroya son of Dyavia Respondent.

Facts of the Case.

Ramiya, the father of appellant, was the younger brother of the Respondent Dyavia, and was alleged to have been adopted by their uncle Lingia. He died in about the year 1881, when appellant was only about a year old. In 1891, the appellant, through his mother and guardian, filed a suit against the Respdt to establish his hereditary right to the Archakship of Malleswara swamy temple at Mangadahalli, Closepet Sub Taluk, and to recover one half of the produce of the temple Inam lands from the year Sarvajitu (1887-88). It was urged on his behalf that his father

maiya was the archak, per-
ming puja and enjoying the
n lands of the temple till
death, and that after Ramaiya's
th Appellants' mother appoint
' Respondent to do the puja
condition of his taking one
lf of the produce of the Inam
nds as remuneration and
-ing the other half to the appel
t. The Respondent denied
appellant's right to the
chakship and urged that he
d been performing puja
d enjoying the Inam lands
his own right. The Muzrai
stt. Commissioner, Bangalore
trict, who tried the suit gave
decree in favor of the appellant
the 27th October 1891, relying on
fact that the Respondent
ned the statement presented
the Inam Assistant Commissioner
the 29th March 1877, as "the
er brother of Archak Ramaiya".
appeal the Dy. Commissioner
Mr. Shujayat Ali Khan) held
t the Respondent had no right
he archakship and its Inam to the
lusion of the appellant, ~~and~~ but as he considered
t the enquiry had not been
cted to the discrimination of
question whether appellant had
exclusive right to the same, he
~~accordingly~~ remanded the
t, on the 10th June 1892, for
ther enquiry and disposal.
his order, he referred, in addition

to the above Inam statement, to the Jamabandy Patta of 1849 ~~which was~~ issued in favor of Lingaiya, to the Patta or receipt book for 1874-75 which was issued in the name of Ramaiya as son of Lingaiya, to an order issued by the Inam Assistant Commissioner in 1877 to Ramaiya, requiring him to send an authorized agent to receive the Inam Title Deed, to an order issued by the Asstt. Commr. Rev. Survey on 22d August 1887 to the appellant as archak of the temple intimating, in reply to appellants' petition, that a certain piece of the Inam lands alleged to have been added to the neighbouring holders' land has been ordered to be measured and included in the Inam, and to Exhibits filed by Respondent showing that he managed the affairs of the temple and the Inam and performed the puja at the periods to which they relate. The Mysore Assistant Commissioner recorded further evidences and passed a fresh decision on the 10th May 1893, agreeing with his former judgment. He referred, in addition to the Inam statement alluded to above, to the Jama-bandy Phaisal Takkta of Durmati (1861 62) in which the name of Pujari Lingaiya is entered against the Inam lands of Malleswara temple, to the same statements of for the years Dundubhi (1862-63) and Rudrotkari (1863-64)

in which the name of Pujari
inigaiyana Ramaiya is entered
gainst the same lands, and
; oral evidences adduced by
ppellant as to the arrangement
nder which Respondent was
to do puja; and held that the
ppellant's father was the
xclusive possessor of the
ight to the Archakship and
hat the Respondent was per-
forming the puja on condition
f his paying half the emolu-
ments to the appellant. On
ppeal the Dy. Commissioner
Mr. P.N. Purnaiya) held that
e appellant had failed to
rove that he was the absolute
nd sole holder of the Archakship
nd dismissed the suit on 18th
ebruary 1896. The appellant
bmitted an appeal to Govt.
gainst this decision in May 1896.
on a review of the records of the
se, der No. $\frac{970}{\text{Muz } 33\text{-}98}$ was issued
the 7th March 1901 reversing [illegible]
pellate judgment of the Dy.
mmissioner and restoring that
the Muzrai Assistant Commr.
the 30th April 1901, the Respondent's
n submitted an application
r review of the said decision
the ground that his father
e Respondent died in about
ly 1887, that the Respondent
d no notice of the appeal
ien he was alive, that his
, the Petitioner, had not been

made a party to the appeal, and that the appeal was decreed against him without any notice to him. As the appeal had not been heard as required in Rule II (10) i(a) of the Rules of business published with proclamation dated 20th July 1895, the order passed on 7th March 1901 was cancelled and the appeal was posted for hearing ~~before~~ a Committee of the Councillors.

[illegible] At the hearing ~~of the~~ appeal the parties appeared in person and were represented by advocates ~~Mr.~~ Sheshachar and Bheema Rao.

Decision

From the records and evidence it is clear that Ramiah father of appellant was the hereditary Poojari and that after his death his widow entered into an agreement with Respondent's father who was to perform the pooja and give her half the profits from the land. Respondent's father was only appellant's agent. There appear to have been agreements between the parties as to Ramiah's ~~widow~~ adopting [illegible] and complaints [illegible] made by Ramiah's widow. But the facts elicited from the witnesses do not help either

series of documents to show
t one Lingia had the Patta
d transferred it to Ramiah
~~d at the Inam Settlement~~
~~title deed was made out~~
~~Ramiah's name~~) and that
the Settlement Dyavia represented
miah who is referred to
circuit.

Govt have no hesitation
basing their decision on
one incontrovertible fact
d deciding in favor of
llant (Ramiah's son) -
Appeal allowed.

py of the above is forwarded
Dy. Commr. Bangalore
trict together with the records
ived with his letter no. S.133
Augt. 1903.

No. 3083 d/ 7/4/04
To Record

raft

Secretary.

104.

9/3

BEFORE THE OVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

Appeal No. 3688 of 1895-96.

REVIEW PETITION No. 2230 OF 1900-01.

Appellant and counter-petitioner	*Versus*	Respondent and petitioner
Subroya, son of Ramiah, minor by his mother and guardian Subbamma.		Dyavia, since deceased, by his son Subroya.

Subject.

Appeal against the order of the Deputy Commissioner rejecting the appellant's claim to the archakship of Malleswaraswami temple at Mangadahalli in the Closepet Sub-Taluk.

Facts of the Case.

Ramiah, the father of appellant, was the younger brother of the respondent Dyavia, and was alleged to have been adopted by their uncle Lingiah. He died about the year 1881 when appellant was only about a year old. In 1891, the appellant, through his mother and guardian, filed a suit against the respondent to establish his hereditary right to the archakship of Malleswaraswami temple at Mangadahalli, Closepet Sub-Taluk, and to recover one-half of the produce of the temple Inam lands from the year Sarvajitu 1887-88. It was urged on his behalf that his father Ramiah was the archak, performing puja and enjoying the Inam lands of the temple till his death and that after Ramiah's death appellant's mother appointed respondent to do the puja on condition of his taking one-half of the produce of the Inam lands as remuneration and giving the other half to the appellant. The respondent denied the appellant's right to the archakship and urged that he had been performing puja and enjoying the Inam lands in his own right. The Muzrai Assistant Commissioner, Bangalore District, who tried the suit gave a decree in favor of the appellants on the 27th October 1891, relying on the fact that the respondent signed the statement presented to the Inam Assistant Commissioner on the 27th March 1877, as "the elder brother of Archak Ramiah." On appeal the Deputy Commissioner (Mr. Shujayet Ali Khan) held that the respondent had no right to the archakship and its Inam to the exclusion of the appellant, but as he considered that the enquiry had not been directed to the determination of the question whether appellant had an exclusive right to the same, he remanded the suit on the 10th June 1892, for further enquiry and disposal. In his order, he referred, in addition to the above Inam statement, to the Jamabandi Patti of 1849 issued in favor of Lingiah, to the Patta or receipt book for 1874-75 which was issued in the name of Ramiah as son of Lingiah, to an order issued by the Inam Assistant Commissioner in 1877 to Ramiah, requiring him to send an authorized agent to receive the Inam Title-deed, to an order issued by the Assistant Commissioner, Revenue Survey, on 22nd August 1887 to the appellant as archak of the temple intimating, in reply to appellant's petition, that a certain piece of the Inam land alleged to have been added to the neighbouring holder's land has been ordered to be measured and included in the Inam, and to exhibits filed by respondent showing that he managed the affairs of the temple and the Inam and performed the puja at the periods to which they relate. The Muzrai Assistant Commissioner recorded further evidence and passed a fresh decision on the 10th May 1893, agreeing with his former judgment. He referred in addition to the Inam statement alluded to above, to the Jamabandi Phaisal Takhta of Durmati (1861-62) in which the name of the Pujari Lingiah is entered against the Inam lands of Malleswara temple, to the same statements for the year Dundubhi (1862-63) and Rudrotkari (1863-64) in which the name of Pujari Lingaiyana Ramiah is entered against the same lands, and the oral evidence adduced by appellant as to the management under which respondent was to do puja; and held that the appellant's father was the exclusive possessor of the right to the archakship and that the respondent was performing the puja on condition of his paying half the emoluments to the appellant. On appeal the Deputy Commissioner (Mr. P. N. Purnaiya) held that the appellant had failed to prove that he was the absolute and sole holder of the archakship and dismissed the suit on 18th February 1896. The appellant submitted an appeal to Government against this decision in May 1896. Upon a review of the records of the case, Order No. 970—Muz. 33-98 was issued on the 7th March 1901, reversing the appellate judgment of the Deputy Commissioner and restoring that of the Muzrai Assistant Commissioner. On the 30th April 1901, the respondent's son submitted an application for a review of the said decision on the ground that his father, the respondent, died in about July 1889, that the respondent had no notice of the appeal when he was alive, that his son, the petitioner, had not been made a party to the appeal, and that the appeal was decided against him without any notice to him. As the appeal had not been heard as required in Rule 11 (10) i (a) of the Rules of business published with proclamation dated 20th July 1895, the order passed on 7th March 1901 was cancelled and the appeal was posted for hearing in accordance with those Rules. At the hearing the parties appeared in person and were also represented by Advocates.

Decision.

From the records and evidence it is clear that Ramiah, father of appellant, was the registered pujari and that after his death his widow entered into an agreement with respondent's father who was to perform the puja and give her half the profits from the land. Respondent's father was only appellant's agent. There appear to have been agreements between the parties as to Ramiah adopting Dyavia's son and complaints on the criminal side by Ramiah's widow. But the facts elicited from the witnesses do not help either side much. There is the clear evidence of documents to show that one Lingiah had the Patta and transferred it to Ramiah and that at the Settlement Dyavia represented Ramiah who is referred to as archak.

Government has no hesitation in basing their decision on this one incontrovertible fact and deciding in favor of appellant, Ramiah's son. Appeal allowed.

No. 3083, DATED BANGALORE, 7TH APRIL 1904.

Copy of the above is forwarded to the Deputy Commissioner, Bangalore District, together with the records received with his letter No. S. 133, dated 5th August 1903.

with spare copies

Offg. Secy., Muzrai Dept.

Exd.—G.S.

1903-04

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

MUZRAI

PROCEEDINGS

Dated 7th April 1904

No. 3083

Passing orders on the appeal petition of Subroya, son of Dyaviah, in the matter of the Archakship of the Malleswaram temple at Mangadahalli in the Closepet Sub-Taluk.

S B P—27-5-04—200

492 [illegible]
23-5-1904
[illegible]

MYSORE GOVERNMENT
2948
MUZRAI SECRETARIAT

23/5/04

[illegible]

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[illegible]

2/6/04